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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT J. TUTTLE and WILLIAM J. SOUZA

Appeal 2009-002867
Application 10/665,124
Technology Center 1700

Decided: September 14, 2009

Before JEFFREY T. SMITH, KAREN M. HASTINGS, and
JEFFREY B. ROBERTSON, *Administrative Patent Judges*.

ROBERTSON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of pending claims 1-36. (Reply Brief filed May 20, 2008, hereinafter "Rep.Br." 2). We have jurisdiction pursuant to 35 U.S.C. § 6(b).

We REVERSE.

Appellants describe a system for controlling the operation of a pay-as-you-go laundry facility and a method for dispensing working fluid.

Claims 1 and 23, reproduced from the Claim Appendix to the Reply Brief, are illustrative and recite:

1. A system for controlling the operation of a pay-as-you-go laundry facility that includes multiple washing machines using at least one working fluid, comprising:

a centralized fluid distribution system for dispensing a metered amount of working fluid to each of said multiple washing machines;

a dispensing controller for controlling said centralized fluid distribution system according to a predetermined dispensing sequence;

a washing sequence controller at each of said washing machines, connected to independently operate a washing machine according to a selected washing sequence;

a payment processor constructed to receive and approve a payment medium presented by the user according to a predetermined payment sequence;

a system controller connected to said payment processor, said washing sequence controller, and said dispensing controller to receive inputs therefrom and to generate and send

control signals thereto according to a predetermined control sequence.

23. In a system for controlling the operation of a pay-as-you-go laundry facility that includes multiple washing machines using at least one working fluid, a method for dispensing working fluid comprising the steps of:

prompting the user to present a payment medium;

prompting the user to select a washing machine and verifying the available status thereof;

activating the selected washing machine;

sensing the availability of working fluid for dispensing in a reservoir for said working fluid;

prompting the user to select a working fluid;

processing a transaction according to the selections made by the user to verify authenticity of the payment medium and authorize payment; and

in response to payment, dispensing a metered dosage of the selected working fluid to the selected washing machine;
and¹

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Pittendreigh	US 3,192,744	Jul. 6, 1965
Yamamoto	US 3,362,515	Jan. 9, 1968
Hiortdahl	US 3,864,616	Feb. 4, 1975

¹ For the purposes of this decision, we will treat claim 23 as a complete claim, ending in a period after “machine.”

Blackburn	US 3,891,123	Jun. 24, 1975
Bruntz	US 5,978,995	Nov. 9, 1999

In the Examiner's Answer, the Examiner set forth five new grounds of rejection under 35 U.S.C. § 103(a): (1) the Examiner rejected claims 1, 3-7, 10, 11, 14, 15, and 18-22 as being unpatentable over Blackburn in view of Hiortdahl; (2) the Examiner rejected claims 2, 16 ,17, 23-27, 29-31, and 34-36 as being unpatentable over Blackburn and Hiortdahl, and further in view of Pittendreigh; (3) the Examiner rejected claims 8 and 9 as being unpatentable over Blackburn and Hiortdahl, and further in view of Bruntz; (4) the Examiner rejected claims 28, 32, and 33 as being unpatentable over Blackburn in view of Hiortdahl, Pittendreigh and Bruntz; and (5) the Examiner rejected claims 12 and 13 as being unpatentable over Blackburn and Hiortdahl, and further in view of Yamamoto.

ISSUES

Have Appellants shown reversible error in the Examiner's determination that the recited system would have been obvious over Blackburn in view of Hiortdahl?

Have Appellants shown reversible error in the Examiner's determination that the recited method for dispensing working fluid would have been obvious over Blackburn in view of Hiortdahl and Pittendreigh?

FINDINGS OF FACT

The record supports the following Findings of Fact (FF) by a preponderance of the evidence.

1. The Examiner found that Blackburn discloses a single programmer 60 which connects a multiplicity of washing machines 27. (Examiner's Answer entered March 21, 2008, hereinafter "Ans.," 5).
2. Blackburn states "[t]he present [sic] invention provides a system for dispensing desired fluid supplies in individually segregated circuits wherein each machine unit is provided with a dispensing tank for each variety of supply." (Col. 1, ll. 23-26).
3. Blackburn discloses "[a] programmer 40 for each washing machine serves to control a plurality of supplies such as 'supply 1,' 'supply 2,' etc." (Col. 2, ll. 54-57; Fig. 2).
4. Blackburn discloses a programmer 60 having plural outputs that are connected to supply solenoids to provide "release of supply to the related machine." (Col. 3, ll. 17-27; Fig. 3).
5. The Examiner found that Hiortdahl discloses a coin-operated circuit as a central control means for a plurality of machines. (Ans. 5).
6. Hiortdahl discloses "a central control console for operating a plurality of machines, said console including a coin slot, a coin metering device, a coin-operated switch, a coin receptacle, a power supply, and selector switch means for selectively coupling said power supply to the starting coil of a selected one of said plurality of machines." (Col. 2, ll. 4-9).
7. The Examiner found that Pittendreigh discloses a coin-operated washing machine with an indicator panel which includes control switches and indicator lights. (Ans. 7). The Examiner found that

the indicator panel reads on a user interface that prompts users to operate the machine. (Ans. 7-8). The Examiner stated “[i]t is at once envisaged that indicator lights may flash or another equivalent type of indication such as an open coin slot or message on the indicator panel prompts the user to operate the machine correctly.” (Ans. 8).

8. Pittendreigh discloses an indicator panel for a washing machine including a series of lamps to indicate the operation cycle of the washing machine. (Col. 3, ll. 32-34).

PRINCIPLES OF LAW

“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int'l. Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007), quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

ANALYSIS

Initially, we agree with Appellants that Blackburn’s programmer 60 (i.e., the recited dispensing controller) is located at each individual washing machine and provides control over multiple supplies to one machine. (Rep. Br. 8-9 and 11-12). Blackburn specifically states that each programmer is located at an individual washing machine and that each machine is provided with a dispensing tank for each variety of supply. (FF 2-4). Therefore, the Examiner erred in finding that Blackburn discloses the use of multiple machines with a single programmer.

In addition, we agree with Appellants that Blackburn in view of Hiortdahl fails to disclose the “system controller” recited in the present claims. (Rep. Br. 7, 9-10, and 12). Specifically, the Examiner failed to provide sufficient articulated reasoning that Blackburn in view of Hiortdahl discloses a “system controller” connected to a payment processor, a washing sequence controller, and a dispensing controller. The Examiner found that Hiortdahl discloses a “payment processor” that works together with a “central control console.” (Ans. 11). However, the Examiner has not provided a sufficient rationale as to why or how one of ordinary skill in the art would have modified Hiortdahl’s “central control console” to connect it with Blackburn’s controlled fluid supplies in the manner recited in the claims.

Regarding the recited method of dispensing working fluid, in light of our comments above, we agree with Appellants that Blackburn, Hiortdahl, and Pittendreigh fail to relate processing a transaction for payment to dispensing a metered dose of selected working fluid. (Rep. Br. 17). The Examiner’s general comments with respect to Pittendreigh’s indicator panel (Ans. 7-8) fail to sufficiently address the method of dispensing working fluid recited in the claims. Moreover, the Examiner has provided no sufficient additional rationale to support that such modifications would have been obvious to one of ordinary skill in the art. Accordingly, because the Examiner relies on the above discussed combination of references as a basis for all of the grounds of rejection on appeal, we cannot sustain the Examiner’s rejections.

CONCLUSION

Appellants have demonstrated reversible error in the Examiner's determination that the recited system would have been obvious over Blackburn in view of Hiortdahl.

Appellants have demonstrated reversible error in the Examiner's determination that the recited method for dispensing working fluid would have been obvious over Blackburn in view of Hiortdahl and Pittendreigh.

ORDER

We reverse the Examiner's decision rejecting claims 1-36 under 35 U.S.C. §103(a).

REVERSED

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